

Gillian M. Ross (Bar No. 127116)  
Leonard A. Marquez (Bar No. 206885)  
**WENDEL, ROSEN, BLACK & DEAN LLP**  
1111 Broadway, 24th Floor  
Oakland, CA 94607-403  
Telephone: (510) 834-6600  
Fax: (510) 834-1928

Attorneys for Defendants  
D.R. Horton, Inc., DHI Mortgage Company, Ltd,  
LP., Donald Horton, Donald Tomnitz, Michael  
Mason, Daniel Callihan, Annie Schankin and James  
Frasure

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

PATRICE A. MISSUD, JULIE D.  
MISSUD.

Case No. C07-2625 JL

**Plaintiff.**

vs.

D.R. HORTON, INC.; DHI MORTGAGE COMPANY, LTD, LP.; DONALD HORTON; DONALD TOMNITZ; MICHAEL MASON; DANIEL CALLIHAN; ANNIE SCHANKIN; JAMES FRASURE; and DOES 1-200.

**DECLARATION OF DANIEL CALLIHAN  
IN SUPPORT OF MOTION TO DISMISS**

Date: September 5, 2007  
Time: 9:30 a.m.  
Judge: Hon. James Larson

#### **Defendants.**

1 I, Daniel Callihan, declare:

2 1. I have personal knowledge of the matters set forth herein and if called upon could  
3 testify competently concerning them.

4 2. I was the branch manager of DHI Mortgage Company, Ltd. (then known as CH  
5 Mortgage Company I, Ltd.) in Las Vegas, Nevada, at the time Mr. Missud applied for and  
6 obtained approval for a home loan for his residence in Henderson, Nevada. I had no actual  
7 involvement with Mr. Missud and I did not personally handle his loan application.

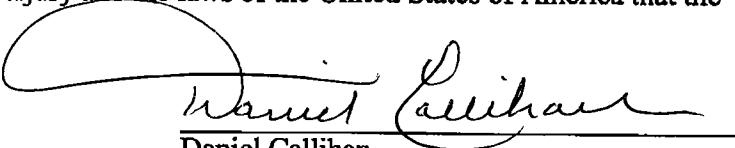
8 3. I held the position of branch manager for five years. Since February 2005, I have  
9 been the division manager for the builder division of D R Horton, Inc. in Las Vegas, Nevada.

10 4. I currently reside in Henderson, Nevada and have done so for the past 14 years.

11 5. I have never worked in California. I have never lived in California. I have no  
12 connections whatsoever with California.

13 I declare under penalty of perjury and the laws of the United States of America that the  
14 foregoing is true and correct.

15 Dated: July 27, 2007

16   
Daniel Callihan